

EXHIBIT 32

Kurt Merriweather

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<p>IN THE UNITED STATES DISTRICT COURT for the MIDDLE DISTRICT of PENNSYLVANIA</p> <p>ELLEN GERHART, ELISE GERHART, : ALEX LOTORTO and ELIZABETH : GLUNT : Plaintiffs : NO. 17-1726-YK : -VS- : : ENERGY TRANSFER PARTNERS, : L.P., et al. : Defendants :</p> <p>***** THURSDAY, SEPTEMBER 2, 2021 *****</p> <p>Zoom Video Conferencing virtual remote deposition of KURT MERRIWEATHER, taken pursuant to notice, held in Durham, North Carolina on Thursday, September 2, 2021, beginning at 10:05 a.m., before Susan L. Singlar, Professional Court Reporter and Notary Public of the Commonwealth of Pennsylvania, there being present.</p> <p>Any reproduction of this transcript is prohibited without authorization by the certifying agency.</p> <p>KAPLAN, LEAMAN AND WOLFE Registered Professional Reporters 230 South Broad Street, Suite 1303 Philadelphia, PA 19102 (215) 922-7112</p>	<p>1 APPEARANCES:</p> <p>2</p> <p>3 WILLIAMS CEDAR LLC</p> <p>4 BY: CHRISTOPHER MARKOS, ESQUIRE 1 South Broad Street, Suite 1510 Philadelphia, Pennsylvania 19107 (215) 557-0099 Cmarkos@williamscedar.com</p> <p>5</p> <p>6 Representing the Plaintiffs</p> <p>7</p> <p>8</p> <p>9 LENGERT & RAIDERS LLC</p> <p>10 BY: RICHARD A. RAIDERS, ESQUIRE 210 West Penn Avenue Robesonia, Pennsylvania 19551 (484) 638-6538 Rich@raiderslaw.com</p> <p>11 Representing the Plaintiffs</p> <p>12</p> <p>13</p> <p>14 McNEES WALLACE & NURICK</p> <p>15 BY: KANDICE HULL, ESQUIRE 100 Pine Street Harrisburg, Pennsylvania 17101 (717) 237-5452 Khull@mcneeslaw.com</p> <p>16</p> <p>17 Representing s Energy Transfer</p> <p>18 Partners, L.P., Sunoco Pipeline, L.P., Sunoco Logistics, L.P.,</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
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<p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 PA GENERAL ATTORNEY'S OFFICE</p> <p>4 BY: JESSICA DAVIS, ESQUIRE Strawberry Square, 15th Floor Civil Division Harrisburg, PA 17120 (717) 783-6270 Jdavis@attorneygeneral.gov Representing Trooper Dunsmore and Trooper Ehgartner</p> <p>8</p> <p>9</p> <p>10 LAVERY LAW</p> <p>11 BY: ELIZABETH KRAMER, ESQUIRE 225 Market Street Harrisburg, Pennsylvania 17108 (717) 233-6633 Ekramer@laverylaw.com Representing TigerSwan, LLC</p> <p>14</p> <p>15 SIANA, BELLWOAR & MCANDREW, LLP</p> <p>16 BY: CHRISTOPHER P. GERBER, ESQUIRE 941 Pottstown Pike Suite 200 Chester Springs, Pennsylvania 19425 (610) 321-5500 Cpgerber@sianalaw.com</p> <p>18</p> <p>19 Representing Nick Johnson</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 ZARWIN BAUM</p> <p>4 BY: ANTHONY R. TARDOWSKI, ESQUIRE One Commerce Square 2005 Market Street, 16th Floor Philadelphia, PA 19103-3638 (267) 765-9621 Artardowskio@zarwin.com Representing Kurt Merriweather</p> <p>8</p> <p>9</p> <p>10 ALSO PRESENT:</p> <p>11</p> <p>12 NICK JOHNSON</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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<p>1 INDEX</p> <p>2</p> <p>3 WITNESS PAGE</p> <p>4 KURT MERRIWEATHER</p> <p>5 (Witness sworn.) 5</p> <p>6 EXAMINATION by MR. MARKOS 7</p> <p>7 EXAMINATION by MS. KRAMER 39</p> <p>8 EXAMINATION by MS. HULL 39</p> <p>9</p> <p>10 EXHIBITS</p> <p>11</p> <p>12</p> <p>13 NUMBER DESCRIPTION PAGE</p> <p>14 Cedar Ford 1-29 Collective documents 27</p> <p>15 *****</p> <p>16 (Whereupon, the above-captioned exhibit</p> <p>17 was not attached to the transcript per</p> <p>18 counsel.) *****</p> <p>19</p> <p>20 REQUESTS FOR PRODUCTION:</p> <p>21</p> <p>22 (NONE)</p> <p>23</p> <p>24</p>	<p>1 THE COURT REPORTER: Before I swear in</p> <p>2 the witness, I will ask counsel to stipulate</p> <p>3 on the record that due to the current national</p> <p>4 emergency pandemic, the court reporter may</p> <p>5 swear in the deponent, even though she is not</p> <p>6 in the physical presence of the deponent, and</p> <p>7 that there is no objection to that at this</p> <p>8 time, nor will there be an objection to it at</p> <p>9 a future date.</p> <p>10 MR. MARKOS: I can.</p> <p>11 MS. KRAMER: Yes, I can.</p> <p>12 MR. GERBER: Yes.</p> <p>13 MR. TARDOWSKI: Agreed.</p> <p>14 MS. HULL: Yes. That's fine.</p> <p>15 MS. DAVIS: That's fine.</p> <p>16 MR. RAIDERS: I'm co-counsel. I accept</p> <p>17 Mr. Markos' stipulation, yes.</p> <p>18 THE COURT REPORTER: And, counsel, can</p> <p>19 you represent that to the best of your</p> <p>20 knowledge and belief, the witness appearing</p> <p>21 today via Zoom is, indeed, Kurt Merriweather?</p> <p>22 MR. TARDOWSKI: I can.</p> <p>23 THE COURT REPORTER: Usual</p> <p>24 stipulations?</p>
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<p>1 MR. TARDOWSKI: That's fine with me.</p> <p>2 MR. MARKOS: Yes.</p> <p>3 MS. DAVIS: Yes.</p> <p>4 MS. HULL: Yes.</p> <p>5 MS. KRAMER: Yes.</p> <p>6 MR. GERBER: Yes.</p> <p>7 *****</p> <p>8 (It is agreed by and between counsel</p> <p>9 that reading, signing, sealing, filing, and</p> <p>10 certification are hereby waived and all</p> <p>11 objections, except as to the form of the</p> <p>12 questions, are reserved until the time of</p> <p>13 trial.) *****</p> <p>14</p> <p>15 KURT MERRIWEATHER, having been duly</p> <p>16 sworn, was examined and testified as follows:</p> <p>17 *****</p> <p>18 EXAMINATION</p> <p>19 *****</p> <p>20 BY MR. MARKOS:</p> <p>21 Q. Mr. Merriweather, thank you very much</p> <p>22 for being here today. I'm sure you are very busy and</p> <p>23 I'm sure you have other things to do. I'm going to</p> <p>24 do my best to keep this brief.</p>	<p>1 You are here today as a non-party</p> <p>2 witness to give a deposition in this case. A</p> <p>3 deposition, maybe you know, I'd like to go through</p> <p>4 these guidelines anyway, is like a conversation but</p> <p>5 different. I'm going to ask you questions and</p> <p>6 hopefully you will have answers for them. However,</p> <p>7 it's not a memory test. So your answer I don't know</p> <p>8 or you don't recall whatever you say is a perfectly</p> <p>9 acceptable answer today.</p> <p>10 Because of the format, and especially</p> <p>11 because of this digital format, it's important that</p> <p>12 you let me finish asking a question, even if you're</p> <p>13 anticipating what I'm going to say next, and I will</p> <p>14 extend the same courtesy to you as you answer.</p> <p>15 It's also important because the only</p> <p>16 record of this deposition will be a written</p> <p>17 transcript that while it's natural to nod your head</p> <p>18 like you were just doing, you must verbalize your</p> <p>19 answer or, otherwise, there's no record of your</p> <p>20 answer.</p> <p>21 If you need to take a break, that's</p> <p>22 perfectly fine, unless I have just asked you a</p> <p>23 question, we'll finish your answer, and then you can</p> <p>24 take a break. Like I said before, I don't think</p>

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<p>1 we're going to be very long and hopefully you won't</p> <p>2 need to.</p> <p>3 Do those instructions make sense to</p> <p>4 you?</p> <p>5 Do you have any questions about them?</p> <p>6 A. Yes. That makes sense. No. I don't</p> <p>7 have any questions.</p> <p>8 Q. Just so you're aware, I represent the</p> <p>9 plaintiff in this case. There are a number</p> <p>10 defendants in this case. Their attorneys are here.</p> <p>11 After I finish asking you questions, they may have</p> <p>12 questions to ask you, as well. I have no control</p> <p>13 over that.</p> <p>14 Have you ever given a deposition</p> <p>15 before, Mr. Merriweather?</p> <p>16 A. No.</p> <p>17 Q. Ever been a part of a lawsuit before, a</p> <p>18 plaintiff or a defendant?</p> <p>19 A. No.</p> <p>20 Q. Has Cedar Fork Partners ever been party</p> <p>21 to a lawsuit before?</p> <p>22 A. No.</p> <p>23 Q. Are you the only member of Cedar Fork</p> <p>24 Partners?</p>	<p>1 Is that the correct term?</p> <p>2 A. Yes. It's a single member LLC.</p> <p>3 Q. How do you know Nick Johnson?</p> <p>4 A. I met Nick Johnson when I was doing</p> <p>5 work at another company and we had a conversation</p> <p>6 about some of the work that he was doing. And this</p> <p>7 was in -- I think in 2016, early 2016.</p> <p>8 Q. Was Cedar Fork Partners in existence at</p> <p>9 that time?</p> <p>10 A. No.</p> <p>11 Q. When did Cedar Fork Partners form?</p> <p>12 A. In July of 2016.</p> <p>13 Q. And it's still a going entity today?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know what that company was when</p> <p>16 you met Nick Johnson?</p> <p>17 A. What company are you referring to?</p> <p>18 Q. You said you were doing -- I think you</p> <p>19 said --</p> <p>20 A. Right. I was previously employed by</p> <p>21 ReverbNation, and that was the company that I was</p> <p>22 working for when I met Nick Johnson.</p> <p>23 Q. Was he working for ReverbNation at the</p> <p>24 time you met him?</p>
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<p>1 A. No. He was -- he had been working with</p> <p>2 a different company at that point and he -- we</p> <p>3 talked. It was an introductory meeting around some</p> <p>4 business development opportunities.</p> <p>5 Q. Did those opportunities pertain to any</p> <p>6 pipeline infrastructure development?</p> <p>7 A. No.</p> <p>8 Q. Did it pertain to anything related to</p> <p>9 TigerSwan?</p> <p>10 A. No.</p> <p>11 Q. Did it pertain to anything related to</p> <p>12 Energy Transfer Partners --</p> <p>13 A. No.</p> <p>14 Q. -- or any entity under the Sunoco</p> <p>15 umbrella?</p> <p>16 A. No.</p> <p>17 Q. I don't know who made the first</p> <p>18 contact.</p> <p>19 How did you come into contact with</p> <p>20 TigerSwan?</p> <p>21 A. I met the project manager for</p> <p>22 TigerSwan, Robert Rice, doing some other activities</p> <p>23 and he told me about a need that he had at TigerSwan.</p> <p>24 And so that's how I got engaged with TigerSwan is</p>	<p>1 through Robert Rice.</p> <p>2 Q. When did you meet Robert Rice?</p> <p>3 A. I met Robert Rice earlier in 2016, so I</p> <p>4 think March of 2016.</p> <p>5 Q. Earlier meaning before you met Nick</p> <p>6 Johnson?</p> <p>7 A. It was after I met Nick Johnson.</p> <p>8 Q. Those two meetings with Robert Rice and</p> <p>9 Nick Johnson happened independent of each other?</p> <p>10 A. Correct.</p> <p>11 Q. How long after you met Robert Rice in</p> <p>12 earlier 2016 did you enter into a contract with</p> <p>13 TigerSwan?</p> <p>14 A. Roughly -- so it was spring of 2016.</p> <p>15 The TigerSwan contract started in November of 2016.</p> <p>16 Q. Can you tell me between those two times</p> <p>17 what conversations, if any, you had with Robert Rice?</p> <p>18 A. The conversations I had with Robert</p> <p>19 Rice were related to other ventures we were working</p> <p>20 on. We were doing other things that were not related</p> <p>21 to TigerSwan at that point.</p> <p>22 Q. Were you in contact with any other</p> <p>23 person representing TigerSwan before November 2016?</p> <p>24 A. No.</p>

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<p>1 Q. I don't know if you know, this case is</p> <p>2 maybe limited in this sense. It has to do with a</p> <p>3 family in south central Pennsylvania. It doesn't</p> <p>4 have to do with anybody in Louisiana or South Dakota</p> <p>5 or Iowa.</p> <p>6 But when you say "other things," are</p> <p>7 you limiting your answer to outside of work in</p> <p>8 Pennsylvania or outside of things having to do with</p> <p>9 pipelines or can you narrow your answer in that way</p> <p>10 for me?</p> <p>11 A. The conversations we were having were</p> <p>12 about a venture related to virtual reality that had</p> <p>13 nothing to do with anything connected with the thing</p> <p>14 that's relevant to what we're talking about today.</p> <p>15 So it was a virtual reality startup. That's what we</p> <p>16 were talking about in March and in November.</p> <p>17 Q. I want to ask you about that but I'm</p> <p>18 not going to.</p> <p>19 Between March and November of 2016,</p> <p>20 besides when you met Nick Johnson, can you tell me,</p> <p>21 did you meet with him subsequently?</p> <p>22 Does that make sense?</p> <p>23 A. Did I meet with him subsequently?</p> <p>24 Q. You met him?</p>	<p>1 A. Yes.</p> <p>2 Q. So between that first meeting in</p> <p>3 November of 2016, did you have subsequent meetings</p> <p>4 with him?</p> <p>5 A. No.</p> <p>6 Q. And you didn't have any second meeting</p> <p>7 with Nick Johnson between when you first met him and</p> <p>8 when you entered into a contract with TigerSwan?</p> <p>9 A. Well, actually, now that you -- I do</p> <p>10 recall one conversation we were having about</p> <p>11 opportunities to work together. At that point I had</p> <p>12 started Cedar Fork Partners and we were thinking</p> <p>13 about other social media opportunities. So I do</p> <p>14 remember conversations, now that you mention that, in</p> <p>15 between.</p> <p>16 Q. I guess it might be helpful to know.</p> <p>17 Can you tell me what your business is,</p> <p>18 Cedar Fork Partners?</p> <p>19 A. Cedar Fork Partners is a consulting</p> <p>20 business focusing on helping organizations with</p> <p>21 digital media and digital marketing and social media</p> <p>22 communications.</p> <p>23 Q. Does that mean you're helping them</p> <p>24 reach wider audiences?</p>
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<p>1 A. Yes.</p> <p>2 Q. Does it also include sort of control of</p> <p>3 the message, like, a public relations kind of angle?</p> <p>4 A. No.</p> <p>5 Q. Was there a point between when you</p> <p>6 first met Robert Rice, and I'll limit it to the end</p> <p>7 of 2017, that you met with anybody else from</p> <p>8 TigerSwan?</p> <p>9 A. Yes.</p> <p>10 Q. Do you remember who those people are?</p> <p>11 A. I remember meeting with Sean Sweeney</p> <p>12 and I met the CEO but didn't have a conversation with</p> <p>13 him.</p> <p>14 Q. Do you remember his name at the time</p> <p>15 because I think it's changed?</p> <p>16 A. Jim was his first name. I can't</p> <p>17 remember his last name.</p> <p>18 Q. Jim, you said?</p> <p>19 A. Yes.</p> <p>20 Q. I want to talk about -- we've been</p> <p>21 saying the contract you had with TigerSwan.</p> <p>22 Was it just one contract?</p> <p>23 A. Yes. It was tied to work on the Dakota</p> <p>24 Access Pipeline.</p>	<p>1 Q. How long did the contract last for?</p> <p>2 A. From November 2016 until August 2017.</p> <p>3 Q. Was it a month-to-month contract?</p> <p>4 A. Yes.</p> <p>5 Q. Was there a reason it ended in August</p> <p>6 of '17?</p> <p>7 A. I don't know. They decided not to</p> <p>8 continue. I don't know why.</p> <p>9 Q. When you entered into the contract,</p> <p>10 what was your understanding of the purpose of the</p> <p>11 work that TigerSwan was seeking from you?</p> <p>12 A. To do social media monitoring, as well</p> <p>13 as distribution of messages related to pipeline</p> <p>14 activities.</p> <p>15 Q. Can you define what you mean when you</p> <p>16 say social media monitoring?</p> <p>17 A. Monitoring of activity on Twitter and</p> <p>18 Facebook, in particular.</p> <p>19 Q. For any particular purpose?</p> <p>20 A. For communications that were related to</p> <p>21 the pipeline in the area where TigerSwan was doing</p> <p>22 security.</p> <p>23 Q. I mean, was it specifically to look at</p> <p>24 communications relating to opposition to the pipeline</p>

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<p>1 development?</p> <p>2 A. There were -- there were -- from what I</p> <p>3 recall, the goal was to ensure that the full picture</p> <p>4 of what was happening was being represented and that</p> <p>5 was -- that was the goal.</p> <p>6 Q. At some point in time you hired Nick</p> <p>7 Johnson, you, meaning Cedar Fork Partners, hired Nick</p> <p>8 Johnson to do some work related to this contract that</p> <p>9 Cedar Fork Partners had with TigerSwan; is that</p> <p>10 right?</p> <p>11 A. That's correct.</p> <p>12 Q. Did you hire other people to do similar</p> <p>13 work for this contract?</p> <p>14 A. No.</p> <p>15 Q. Did you delegate to Nick Johnson then</p> <p>16 all of the work that was being done for TigerSwan?</p> <p>17 A. Yes.</p> <p>18 Q. You, yourself, or Cedar Fork Partners,</p> <p>19 rather, is it fair to say was not performing the work</p> <p>20 on behalf of TigerSwan?</p> <p>21 MR. TARDOWSKI: Object to the form.</p> <p>22 BY MR. MARKOS:</p> <p>23 Q. If you don't understand the question, I</p> <p>24 can try to rephrase it.</p>	<p>1 A. Could you repeat that? I'm sorry.</p> <p>2 Q. Yeah. I'm just trying to clarify your</p> <p>3 previous answer.</p> <p>4 Nick Johnson was the only person you</p> <p>5 had hired to work for this contract, right? You're</p> <p>6 nodding your head.</p> <p>7 A. Yes. Yes. That's correct.</p> <p>8 Q. Were you or Kurt Merriweather or Cedar</p> <p>9 Fork entity also doing the work that TigerSwan was</p> <p>10 seeking?</p> <p>11 A. Could you define what doing the work</p> <p>12 is?</p> <p>13 Q. Actually monitoring social media, for</p> <p>14 example.</p> <p>15 A. I was not monitoring social media.</p> <p>16 That's what Nick was doing.</p> <p>17 Q. You said there was some content</p> <p>18 creation, I think?</p> <p>19 A. Yes. That's correct.</p> <p>20 Q. Messaging?</p> <p>21 Were you creating the messaging?</p> <p>22 A. No.</p> <p>23 Q. Did you direct the content of the</p> <p>24 messaging that was done in furtherance of this</p>
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<p>1 contract?</p> <p>2 A. No.</p> <p>3 Q. When you entered into this contract,</p> <p>4 when did you then bring Nick Johnson on board?</p> <p>5 A. Within two weeks of the beginning of</p> <p>6 the contract.</p> <p>7 Q. What was Nick Johnson's relationship</p> <p>8 vis-a-vis Cedar Fork Partners?</p> <p>9 A. He was an independent contractor.</p> <p>10 Q. To the extent that you know, did Nick</p> <p>11 Johnson have a working -- similar relationship with</p> <p>12 TigerSwan?</p> <p>13 Is he also an independent contractor</p> <p>14 for TigerSwan?</p> <p>15 A. I don't know.</p> <p>16 Q. When you brought Nick Johnson on board,</p> <p>17 what did you tell him about the project?</p> <p>18 A. I told him about the goal of the</p> <p>19 project, which was to do social media monitoring, to</p> <p>20 use social media channels to communicate messages in</p> <p>21 and around the activities that were focused on the</p> <p>22 pipeline in Dakota, or the South Dakota pipeline.</p> <p>23 Q. Did you make known to Nick Johnson that</p> <p>24 Cedar Fork Partners had been hired by TigerSwan</p>	<p>1 specifically?</p> <p>2 A. Yes.</p> <p>3 Q. Did you have an understanding of the</p> <p>4 entities responsible for construction of the Dakota</p> <p>5 Access Pipeline?</p> <p>6 A. No.</p> <p>7 Q. Besides working for TigerSwan, did</p> <p>8 TigerSwan explain to you their interest or</p> <p>9 involvement in the Dakota Access Pipeline?</p> <p>10 A. They explained that they were</p> <p>11 responsible for doing security.</p> <p>12 Q. Did they say who they were doing</p> <p>13 security for?</p> <p>14 A. No.</p> <p>15 Q. At any point in time that you were</p> <p>16 under contract with TigerSwan, was it made -- were</p> <p>17 you made aware of any involvement with Energy</p> <p>18 Transfer Partners, if that makes sense?</p> <p>19 A. I wasn't made aware of the relationship</p> <p>20 until there were things in the media. So I didn't</p> <p>21 know prior to things that were portrayed in the</p> <p>22 media.</p> <p>23 Q. What you're referring to when you saw</p> <p>24 things in the media, did that happen after your</p>

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<p>1 contract had ended?</p> <p>2 A. No. So there were media reports that I</p> <p>3 -- that became public. I want to say it was the</p> <p>4 spring of 2017.</p> <p>5 Q. To your knowledge, did you ever meet</p> <p>6 with anybody representing Energy Transfer Partners in</p> <p>7 2016 or 2017?</p> <p>8 A. No.</p> <p>9 Q. Sunoco Pipeline?</p> <p>10 A. No.</p> <p>11 Q. Sunoco Logistics?</p> <p>12 A. No.</p> <p>13 Q. Did you ever facilitate any meeting</p> <p>14 between Nick Johnson and anybody from TigerSwan?</p> <p>15 A. Yes.</p> <p>16 Q. Do you remember who he would have met</p> <p>17 with at TigerSwan?</p> <p>18 A. Robert Rice and Sean Sweeney, so these</p> <p>19 two individuals, in particular.</p> <p>20 Q. Did Robert Rice ever represent to you</p> <p>21 that he was an employee of TigerSwan?</p> <p>22 A. No. He said he was an independent</p> <p>23 contractor.</p> <p>24 Q. What sort of, if any, supervision did</p>	<p>1 TigerSwan perform of the work Cedar Fork Partners was</p> <p>2 doing in furtherance of this contract?</p> <p>3 A. Nick Johnson was on-site with the</p> <p>4 TigerSwan team to execute the work.</p> <p>5 Q. Do you know what site that was?</p> <p>6 A. The site here in North Carolina.</p> <p>7 Q. TigerSwan's headquarters?</p> <p>8 A. Yes, in Apex.</p> <p>9 Q. Did you ever, during the duration of</p> <p>10 this contract, come to the understanding about the</p> <p>11 scope of working broader than just South Dakota's</p> <p>12 pipeline construction?</p> <p>13 A. I don't recall it being broader than</p> <p>14 that. I don't know.</p> <p>15 Q. And more specifically, did you ever</p> <p>16 come to have an understanding that the work TigerSwan</p> <p>17 was looking for included the Mariner 2 pipeline?</p> <p>18 A. No.</p> <p>19 Q. The Bayou Bridge Pipeline in Louisiana?</p> <p>20 A. No.</p> <p>21 Q. Did Nick Johnson report back to you</p> <p>22 what he was doing when he would go to TigerSwan for</p> <p>23 this work?</p> <p>24 A. In -- in -- in -- not in detail, in</p>
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<p>1 general -- in general terms.</p> <p>2 Q. So you said before Nick Johnson was an</p> <p>3 independent contractor of Cedar Fork Partners?</p> <p>4 A. Yes.</p> <p>5 Q. And that means that you did not direct</p> <p>6 the content of his work?</p> <p>7 A. That's correct.</p> <p>8 Q. Do you know one way or the other</p> <p>9 whether TigerSwan was directing the sort of work that</p> <p>10 he was producing?</p> <p>11 A. I don't know.</p> <p>12 Q. Or giving him instructions or feedback?</p> <p>13 A. I don't know.</p> <p>14 Q. I don't mean this as a perjorative, but</p> <p>15 is it fair to say that Cedar Fork Partners kind of</p> <p>16 acted as a middleman between TigerSwan and Nick</p> <p>17 Johnson?</p> <p>18 A. For the day-to-day activities Nick was</p> <p>19 responsible for placing -- managing the Facebook</p> <p>20 accounts, which he was doing, and managing the</p> <p>21 communications. So when it came to that work, yes,</p> <p>22 that's -- that's correct.</p> <p>23 Q. To what extent is that not correct?</p> <p>24 A. At the very beginning of the project I</p>	<p>1 had conversations around approach on social media and</p> <p>2 the things that -- around strategy there. So it was</p> <p>3 to start the project off. Once it got into</p> <p>4 execution, then I didn't have very much at all.</p> <p>5 Q. Early on in the project when you were</p> <p>6 conveying about strategy and approach, were you</p> <p>7 conveying what you understood TigerSwan's wishes or</p> <p>8 goals to be?</p> <p>9 A. Conveying those wishes and goals to</p> <p>10 Nick?</p> <p>11 Q. Yes.</p> <p>12 A. Yes.</p> <p>13 Q. So what was conveyed to you that you</p> <p>14 then conveyed to Nick?</p> <p>15 A. The goal of the project, which was to</p> <p>16 make sure that a balanced picture of what was</p> <p>17 happening around the pipeline was being communicated</p> <p>18 within social media channels.</p> <p>19 Q. Were you aware of the social media --</p> <p>20 specific social media pages that Nick Johnson was</p> <p>21 working on for this project?</p> <p>22 A. Some, but not all.</p> <p>23 Q. Which ones were you aware of, if you</p> <p>24 can recall them?</p>

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<p>1 A. So there was a Standing Rock page, but</p> <p>2 I don't remember the name of it specifically. And</p> <p>3 then there was IM Metazin (phonetic), which was</p> <p>4 another property. Those are the two that I know</p> <p>5 about.</p> <p>6 Q. Did you know about black badger report</p> <p>7 dot com?</p> <p>8 A. No.</p> <p>9 Q. PA Progress on Facebook?</p> <p>10 A. Not until -- no. Nick -- there was a</p> <p>11 communication where Nick said -- he told me about</p> <p>12 these pages, but I didn't visit them. So I didn't</p> <p>13 know about them until after the fact.</p> <p>14 Q. Did TigerSwan ever convey to you that</p> <p>15 they were looking for this work but specifically for</p> <p>16 pipelines in Pennsylvania?</p> <p>17 A. No. TigerSwan did not convey that to</p> <p>18 me.</p> <p>19 Q. During the term of this contract, did</p> <p>20 you have any ongoing discussions with Robert Rice</p> <p>21 about the work that Nick Johnson was doing?</p> <p>22 A. Yes.</p> <p>23 Q. Can you relay those conversations to</p> <p>24 me?</p>	<p>1 A. The conversations were about Nick's</p> <p>2 performance and how he was delivering what their</p> <p>3 expectations were, and Robert was happy with his</p> <p>4 work.</p> <p>5 Q. Was it anything more specific about the</p> <p>6 type of content he was creating --</p> <p>7 A. No.</p> <p>8 Q. -- or the subject matter of the</p> <p>9 content?</p> <p>10 A. Other than -- other than general</p> <p>11 things, no, no specifics.</p> <p>12 Q. I'm going to share some documents that</p> <p>13 your attorney provided to me on the screen.</p> <p>14 A. Okay.</p> <p>15 Q. So you can see this?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Can you still see it? I made it</p> <p>18 smaller.</p> <p>19 A. Yes, sort of, but I can see it in</p> <p>20 general.</p> <p>21 Q. I don't have any question on this first</p> <p>22 page. Actually, while do I this, let me do something</p> <p>23 that's probably helpful. I can send this to</p> <p>24 everybody.</p>
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<p>1 MR. MARKOS: Anthony, just so you know,</p> <p>2 I put what you gave me into one document. I</p> <p>3 put Bates stamps and there was a Social</p> <p>4 Security number that I redacted.</p> <p>5 MR. TARDOWSKI: That's fine, Chris.</p> <p>6 MR. MARKOS: Let's take just a</p> <p>7 five-minute break so people can look at this.</p> <p>8 * * * * *</p> <p>9 (Whereupon, a discussion was held off</p> <p>10 the record.)</p> <p>11 * * * * *</p> <p>12 (Whereupon, testimony resumed on the</p> <p>13 stenographic record.)</p> <p>14 * * * * *</p> <p>15 BY MR. MARKOS:</p> <p>16 Q. I put up a document on the share</p> <p>17 screen. They are Bates stamp Cedar Fork 001 through</p> <p>18 29, and like I said before, they're documents that</p> <p>19 were provided to me by your attorney. And all I did</p> <p>20 was put them into one document, added the Bates</p> <p>21 stamps and redacted Social Security number. Right</p> <p>22 now I have Cedar Fork 2 up on the screen.</p> <p>23 Are you able to see it?</p> <p>24 You can see the screen, right?</p>	<p>1 A. Yes.</p> <p>2 Q. Invoice. Okay.</p> <p>3 This is Nick Johnson's invoice to Cedar</p> <p>4 Fork, right?</p> <p>5 A. Yes.</p> <p>6 Q. Besides what's in the item description,</p> <p>7 you wouldn't know more than what's in that box, what</p> <p>8 the work that he's being paid for; is that correct?</p> <p>9 A. That's correct.</p> <p>10 Q. You wouldn't know if this specifically</p> <p>11 had to do with any particular pipeline, as opposed to</p> <p>12 a different one?</p> <p>13 A. Other than it being connected to the</p> <p>14 project, which was the Dakota Access Pipeline</p> <p>15 contract that we were working on, that's what I would</p> <p>16 expect the invoice to be related to. So that's what</p> <p>17 I would know.</p> <p>18 Q. In the item description, the last</p> <p>19 sentence says: Entire month of April 2017 for ETP,</p> <p>20 slash, DAPL.</p> <p>21 Do you know what ETP mean when this</p> <p>22 invoice was submitted?</p> <p>23 A. I think I did at this point, yes.</p> <p>24 Q. What was your understanding at that</p>

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<p>1 time what ETP meant?</p> <p>2 A. That ETP was a client for -- was the</p> <p>3 TigerSwan client.</p> <p>4 Q. There are a number of similar-appearing</p> <p>5 invoices. They all have different item descriptions</p> <p>6 and amounts on them.</p> <p>7 A. Yes.</p> <p>8 Q. These are invoices that Nick Johnson</p> <p>9 submitted to you for payment --</p> <p>10 A. That's correct.</p> <p>11 Q. -- for the work pursuant to the</p> <p>12 TigerSwan contract?</p> <p>13 A. That's correct.</p> <p>14 Q. This is Cedar Fork 3 on the page.</p> <p>15 A. Uh-huh. Yes.</p> <p>16 Q. And the second, third, fourth and fifth</p> <p>17 all say: Half of something.</p> <p>18 Why are these half payments; do you</p> <p>19 recall?</p> <p>20 A. I don't remember.</p> <p>21 Q. Do you recall what the Iowa leaker here</p> <p>22 refers to?</p> <p>23 A. No.</p> <p>24 Q. Correspondent?</p>	<p>1 A. No.</p> <p>2 Q. Cat mask?</p> <p>3 A. No.</p> <p>4 Q. This is what appears to be a W9 for</p> <p>5 Nick Johnson?</p> <p>6 A. Yes.</p> <p>7 Q. Do you see the date towards the bottom</p> <p>8 in red?</p> <p>9 A. Yes.</p> <p>10 Q. That would be about the time that you</p> <p>11 brought him on as an independent contractor for this</p> <p>12 contract?</p> <p>13 A. That's correct.</p> <p>14 Q. Cedar Fork 18, do you see the second</p> <p>15 line there's a date of November 4, 2016?</p> <p>16 A. Uh-huh.</p> <p>17 Q. And that's approximately --</p> <p>18 A. Yes, that's correct.</p> <p>19 Q. -- when you entered into that contract</p> <p>20 with TigerSwan that we're talking about?</p> <p>21 A. Yes. Yes.</p> <p>22 Q. Cedar Fork 20.</p> <p>23 The second paragraph under number four,</p> <p>24 I'll make it a little bigger, kind of asked you about</p>
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<p>1 that before. The company will provide ongoing</p> <p>2 evaluation and feedback of the services performed by</p> <p>3 the independent consultant, slash, contractor.</p> <p>4 Do you see where I am?</p> <p>5 A. Yes.</p> <p>6 Q. And you said before that Robert Rice</p> <p>7 conveyed to you that they were satisfied with Nick</p> <p>8 Johnson's work?</p> <p>9 A. Yes, that's right.</p> <p>10 Q. Was there any other ongoing evaluation</p> <p>11 feedback conveyed to you, besides what Robert Rice</p> <p>12 told you about Nick Johnson's work?</p> <p>13 A. No.</p> <p>14 Q. The next paragraph says: The company</p> <p>15 may, during the term of this agreement, terminate the</p> <p>16 independent consultants, slash, contractor for cause</p> <p>17 for any of the following reasons as set forth in</p> <p>18 items one through nine below. You said before you</p> <p>19 didn't have any specific understanding why your</p> <p>20 contract ended.</p> <p>21 Was there any communication made to you</p> <p>22 about the reason for the termination of the contract?</p> <p>23 A. No.</p> <p>24 Q. Did you have any discussion with Robert</p>	<p>1 Rice about the termination of this contract?</p> <p>2 MR. TARDOWSKI: Object to the form.</p> <p>3 BY MR. MARKOS:</p> <p>4 Q. Or the expiration of the contract?</p> <p>5 A. The way the work was executed was</p> <p>6 month-to-month. So there was an independent</p> <p>7 contractor agreement, and then there were specific</p> <p>8 task holders that were month-to-month task holders,</p> <p>9 and so, those didn't continue. That's what happened</p> <p>10 there.</p> <p>11 Q. So this is Cedar Fork 1 and it says:</p> <p>12 Task Order/Assignment Sheet.</p> <p>13 Do you see at the top?</p> <p>14 A. Yes.</p> <p>15 Q. Did you have additional task orders</p> <p>16 that were submitted to you by TigerSwan?</p> <p>17 A. No.</p> <p>18 Q. Just this one page?</p> <p>19 A. That's correct.</p> <p>20 Q. Cedar Fork five.</p> <p>21 Do you know what Momenive is?</p> <p>22 A. Momenive was a company in New York, I</p> <p>23 believe. If I recall correctly, there was some</p> <p>24 security work there with that specific company.</p>

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<p>1 Q. Is Momentive unrelated to TigerSwan and</p> <p>2 DAPL?</p> <p>3 A. It's unrelated to DAPL. I think</p> <p>4 TigerSwan was doing work for them.</p> <p>5 Q. This is Cedar Fork 11. The second item</p> <p>6 is half of Louisiana trip expenses.</p> <p>7 Did you have an understanding about any</p> <p>8 work that was being done in Louisiana or related to</p> <p>9 Louisiana pursuant to this TigerSwan contract?</p> <p>10 A. There was no work that was being done</p> <p>11 pursuant to the contract.</p> <p>12 Q. Then why was he paid for it?</p> <p>13 A. The one thing I do recall is that Nick</p> <p>14 was doing some investigation in and around that area.</p> <p>15 Q. So when you say "work," it wasn't</p> <p>16 social media monitoring or digital --</p> <p>17 A. No.</p> <p>18 Q. -- content creation?</p> <p>19 A. No.</p> <p>20 Q. But if he's being paid for it pursuant</p> <p>21 to this invoice, it has some connection to the</p> <p>22 TigerSwan contract?</p> <p>23 A. It did not have -- what I -- what I</p> <p>24 remember from that is that Nick was doing some pre</p>	<p>1 work in his discussions. He thought there might be</p> <p>2 activity that could happen in the future. That's</p> <p>3 what I recall from some dialogue that we did have</p> <p>4 then.</p> <p>5 Q. Did you ever communicate with Robert</p> <p>6 Rice by email?</p> <p>7 A. Yes.</p> <p>8 Q. How about Nick Johnson?</p> <p>9 A. Not about Nick Johnson.</p> <p>10 Q. No. I'm sorry.</p> <p>11 Did you also communicate with Nick</p> <p>12 Johnson by email?</p> <p>13 A. I communicated with Nick about -- yes.</p> <p>14 Q. I'm talking about what we're talking</p> <p>15 about today, the TigerSwan contract and work in</p> <p>16 furtherance thereof.</p> <p>17 A. Okay. No. We did not communicate</p> <p>18 about the TigerSwan work by email. The</p> <p>19 communications we had were related to payment and</p> <p>20 invoices, primarily.</p> <p>21 Q. In relation to this TigerSwan contract,</p> <p>22 did you ever have discussion with anybody from</p> <p>23 TigerSwan or with Nick Johnson about production and</p> <p>24 video content?</p>
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<p>1 A. Could you be more specific about the</p> <p>2 production piece of that?</p> <p>3 Q. Yeah. I mean, I'm trying not to</p> <p>4 inundate you with information. Let me ask you a</p> <p>5 different question.</p> <p>6 Did you have an opportunity to read the</p> <p>7 Complaint in this case?</p> <p>8 A. Yes.</p> <p>9 Q. And there's a reference to a video that</p> <p>10 was produced and posted on a Facebook site with an</p> <p>11 actor named Robert Rigby, I think?</p> <p>12 A. I don't know who he is but I know of</p> <p>13 the video. I did not -- I did not know of the video</p> <p>14 prior to its creation. I heard about it after the</p> <p>15 fact.</p> <p>16 Q. You answered the question I was trying</p> <p>17 to ask, so thank you.</p> <p>18 We haven't talked about Sean Sweeney</p> <p>19 much.</p> <p>20 What discussions, if any, did you have</p> <p>21 with him about the work that was being done pursuant</p> <p>22 to this contract?</p> <p>23 A. Sean was part of the initial</p> <p>24 discussions at the period beginning of the execution.</p>	<p>1 And in the November and December time frame I had two</p> <p>2 or three meetings where Sean was present where he was</p> <p>3 talking about what the goals were.</p> <p>4 Q. And then after that, not much contact?</p> <p>5 A. No.</p> <p>6 Q. I think we said it was around</p> <p>7 August '17 that this contract expired.</p> <p>8 Have you done work for or with</p> <p>9 TigerSwan since that time?</p> <p>10 A. No.</p> <p>11 Q. Have you done any work with Nick</p> <p>12 Johnson since that time?</p> <p>13 A. No.</p> <p>14 Q. Has he done work for you?</p> <p>15 A. No.</p> <p>16 Q. Is there a reason?</p> <p>17 A. The contract ended and I, at that time,</p> <p>18 was running Cedar Fork Partners as my primary</p> <p>19 business in that I got another role in another</p> <p>20 company and didn't pursue additional business as a</p> <p>21 result of activities. I just couldn't manage.</p> <p>22 Q. So it fair to say then it was just a</p> <p>23 matter of lack of opportunity to continue to work</p> <p>24 together?</p>

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<p>1 A. Yes.</p> <p>2 Q. In the time since late 2016 and today</p> <p>3 have you reviewed the actual content that Nick</p> <p>4 Johnson created pursuant to this project?</p> <p>5 A. No.</p> <p>6 MR. MARKOS: Give me just a minute.</p> <p>7 I'm going to go on mute. I'm going to caucus</p> <p>8 with my co-counsel and I may have a few more</p> <p>9 questions, but I think I'm pretty much</p> <p>10 finished.</p> <p>11 THE WITNESS: Okay.</p> <p>12 * * * * *</p> <p>13 (Whereupon, a discussion was held off</p> <p>14 the record.)</p> <p>15 * * * * *</p> <p>16 (Whereupon, testimony resumed on the</p> <p>17 stenographic record.)</p> <p>18 * * * * *</p> <p>19 BY MR. MARKOS:</p> <p>20 Q. Just a couple more questions.</p> <p>21 Did you ever have any meeting or</p> <p>22 contact with somebody name Derrick Borrer,</p> <p>23 B-O-R-R-O-R?</p> <p>24 A. No, I didn't.</p>	<p>1 Q. Anybody named Kurt Nous (phonetic)?</p> <p>2 A. No, I didn't.</p> <p>3 Q. Are you familiar with the website PA</p> <p>4 Pipeline Review, or blog?</p> <p>5 A. No.</p> <p>6 Q. PAL Alliance for Energy, an entity or a</p> <p>7 website with that name?</p> <p>8 A. No.</p> <p>9 Q. Are you familiar with a website called</p> <p>10 Philly Anti-Capitalists?</p> <p>11 A. No.</p> <p>12 MR. MARKOS: That's all I have. I</p> <p>13 don't know if you're done yet. I don't know</p> <p>14 if anybody else has questions for you, but I'm</p> <p>15 finished. Thank you.</p> <p>16 MR. GERBER: This is Chris Gerber. I</p> <p>17 have no questions.</p> <p>18 MS. DAVIS: I am Jessica Davis. The</p> <p>19 Commonwealth has no questions.</p> <p>20 MS. KRAMER: This is Elizabeth Kramer,</p> <p>21 counsel for TigerSwan. I just have one</p> <p>22 question just for clarification.</p> <p>23 * * * * *</p> <p>24 EXAMINATION</p>
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<p>1 * * * * *</p> <p>2 BY MS. KRAMER:</p> <p>3 Q. You looked at a bunch of these</p> <p>4 invoices. I think they were Bates stamped Cedar Fork</p> <p>5 2 through 5 and then it continues at 7 through 17.</p> <p>6 There's subrogations in there that DAPL.</p> <p>7 What is your understanding of what</p> <p>8 those abbreviated letters stand for?</p> <p>9 A. The letters as I understand them were</p> <p>10 Dakota Access Pipeline.</p> <p>11 MS. KRAMER: Thank you. That's the</p> <p>12 only question I had.</p> <p>13 MS. HULL: I just have a few questions.</p> <p>14 * * * * *</p> <p>15 EXAMINATION</p> <p>16 * * * * *</p> <p>17 BY MR. HULL:</p> <p>18 Q. Mr. Merriweather, just to confirm, you</p> <p>19 never had any conversations with anyone from Energy</p> <p>20 Transfer Partners?</p> <p>21 A. That's correct.</p> <p>22 Q. And you also didn't have any</p> <p>23 conversation with anyone from Sunoco Pipeline;</p> <p>24 correct?</p>	<p>1 A. That's correct.</p> <p>2 Q. And do you have any knowledge of</p> <p>3 conversations between TigerSwan and Energy Transfer</p> <p>4 Partners?</p> <p>5 A. No. I don't have any knowledge of</p> <p>6 those conversations.</p> <p>7 Q. And the contract that we're talking</p> <p>8 about here, that was specific to the Dakota Access</p> <p>9 Pipeline; correct?</p> <p>10 A. That's correct.</p> <p>11 Q. And at no time was Cedar Fork Partners</p> <p>12 engaged to do any work related to the Mariner East 2</p> <p>13 pipeline; correct?</p> <p>14 A. That's correct.</p> <p>15 Q. Prior to learning of this lawsuit, had</p> <p>16 you ever heard of Ellen Gerhard?</p> <p>17 A. No.</p> <p>18 MS. HULL: That's all I have.</p> <p>19 MR. TARDOWSKI: Is that everybody?</p> <p>20 THE COURT REPORTER: I need to ask each</p> <p>21 attorney on the record for any orders.</p> <p>22 Christopher, do you get a full size,</p> <p>23 mini or both?</p> <p>24 MR. MARKOS: Just a mini, please.</p>

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<p>1 MS. KRAMER: I'll get one full size and</p> <p>2 PDF is fine.</p> <p>3 MS. HULL: I'll take a full size and</p> <p>4 mini.</p> <p>5 MS. DAVIS: Full size and mini, please.</p> <p>6 MR. GERBER: Full size and mini,</p> <p>7 please.</p> <p>8 MR. TARDOWSKI: Kurt, do you have any</p> <p>9 interest in having a transcript of your</p> <p>10 deposition?</p> <p>11 THE WITNESS: Give me a mini.</p> <p>12 MR. MARKOS: I want to say thank you to</p> <p>13 everybody. We put this together quickly</p> <p>14 without a lot of notice, so I appreciate</p> <p>15 everyone's effort.</p> <p>16</p> <p>17 * * * * *</p> <p>18</p> <p>19 (Whereupon, the deposition was</p> <p>20 concluded at 11:06 a.m. and Kurt Merriweather</p> <p>21 was excused.)</p> <p>22</p> <p>23 * * * * *</p> <p>24</p>	<p>1 CERTIFICATION</p> <p>2</p> <p>3 I hereby certify that the proceedings and</p> <p>4 evidence noted are contained fully and accurately in</p> <p>5 the stenographic notes taken by me upon the foregoing</p> <p>6 matter on Thursday, September 2, 2021, and that this</p> <p>7 is a correct transcript of the testimony given by the</p> <p>8 witness of the same.</p> <p>9</p> <p>10</p> <p>11 _____</p> <p>12 Susan L. Singlar</p> <p>13 Registered Professional Reporter</p> <p>14 and Notary Public</p> <p>15 My Commission Expires:</p> <p>16 November 20, 2022</p> <p>17</p> <p>18 (The foregoing certification of this transcript</p> <p>19 does not apply to any reproduction of the same by any</p> <p>20 means, unless under the direct control and/or</p> <p>21 supervision of the certifying reporter.)</p> <p>22</p> <p>23</p> <p>24</p>

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